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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,075	07/07/2003	Patrick Vohlgemuth	116444	8538
25944	7590	11/16/2005		EXAMINER
OLIFF & BERRIDGE, PLC				COMAS, YAHVEH
P.O. BOX 19928				
ALEXANDRIA, VA 22320				
			ART UNIT	PAPER NUMBER
				2834

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/613,075	VOHLGEMUTH ET AL.	
	Examiner Yahveh Comas	Art Unit 2834	<i>PM</i>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 20 September 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1 and 3-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1 and 3-15 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 9/20/2005 have been fully considered but they are not persuasive for the following reasons:

Applicant argues that Nolte does not teach or suggest that a casing made as a casting is not persuasive because Nolte disclose that in accordance with the teaching of the present invention, the standard dynamoelectric machine is constructed with integrally cast or otherwise formed ventilating openings in the end brackets of the dynamoelectric machines. Therefore the rejection is sustained.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 10, 11, 12 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Nolte et al. U.S. Patent No. 5,283,490.

Nolte discloses a casing of elongate shape, a rotor having a shaft capable of turning inside the casing about an axis of rotation, and a fan rotated by the rotor, wherein the casing includes at least one air inlet grid and at least one air outlet grid, both of which can be made integrally with the casing (9, 10 and 11 also see column 2 lines 30-40) wherein the casing is made as a casting (see column 2, lines 30-35). The casing has at least one grid including bars, each having a longitudinal axis extending

substantially parallel to a plane perpendicular to the axis of rotation of the rotor and wherein the bars present a radially inner side that is machined.

2. Claims 1 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by

Kayane JP Patent No. 56049648 A.



Kayane discloses a casing of elongate shape, a rotor having a shaft capable of turning inside the casing about an axis of rotation, and a fan rotated by the rotor, wherein the casing includes at least one air inlet grid (11) and at least one air outlet grid (12 and 13), both of which are made integrally with the casing (see fig 1). The casing comprises a cylindrical portion body and a flange, the flange having a passage for fixing elements having axes situated radially outside the envelope of the cylindrical body. Regarding the casing made as a casting, the method of forming a device is not germane to the issue of patentability of the device itself. Therefore, this limitation has not been given patentable weight.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nolte et al. U.S. Patent No. 5,283,490 in view of Geberth, Jr. et al. U.S. Patent No. 4,908,538.

Nolte disclose the claimed invention except for the casing made out of aluminum. However, Geberth disclose the use of aluminum in order to made a casing since the aluminum is high heat conductive material.

Therefore, it would have been obvious to one having skill in the art at the time the invention was made to modify Nolte's invention and provide a casing made out of aluminum since that would had been desirable for providing a casing made of high heat conductive material.

4. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nolte et al. U.S. Patent No. 5,283,490 in view of Barnstead et al. U.S. Patent No. 3,730,642.

Nolte disclose a casing of elongate shape, a rotor having a shaft capable of turning inside the casing about an axis of rotation, and a fan rotated by the rotor, wherein the casing includes at least one air inlet grid and at least one air outlet grid. Nolte disclose the claimed invention except for a flange at a first longitudinal end. However, Barnstead disclose the flange at a longitudinal end in order to fix the end shield (26) of the housing (12).

Therefore, it would have been obvious to one having skill in the art at the time the invention was made to modify Nolte invention and provide a flange at the longitudinal end since that would have been desirable in order to fix the end shield to the housing.

5. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nolte et al. U.S. Patent No. 5,283,490 in view of Barnstead et al. U.S. Patent No. 3,730,642 and in further view of Gobled U.S. Patent No. 5,717,272.

Nolte in view of Barnstead disclose the claimed invention except for the end wall including a portion relief on an inside face serving to fix a brush carrier. However, Gobled disclose a end wall (1) including a portion relief on an inside face serving to fix a brush carrier (6) in order to provide a support easily removed and refitted for replacing the brush or cleaning the commutator.

Therefore, it would have been obvious to one having skill in the art at the time the invention was made to modify Nolte invention and provide an end wall including a portion relief on an inside face serving to fix a brush carrier since that would have been desirable in order to provide a brush support easily replacing and cleaning of the commutator.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nolte et al. U.S. Patent No. 5,283,490 in view of Burke U.S. Patent No. 5,182,482.

Nolte discloses the claimed invention except for the casing having two side grids situated respectively on the left and right sides of the casing. However Burke discloses a casing having two side grids (12) situated respectively on the left and right sides of the casing in order to permit coolant air to exit from the interior of the housing (16).

Therefore, it would have been obvious to one having skill in the art at the time the invention was made to modify Nolte invention and provide a casing having two side grids situated respectively on the left and right sides of the casing since that would had been desirable to permit coolant air to exit from the interior of the housing.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nolte et al. U.S. Patent No. 5,283,490 in view of Behrend U.S. Patent No. 926,086.

Nolte discloses the claimed invention except for a casing including at least one volute opening out to a grid. However, Behrend disclose the use of a volute opening in order to instead of passing the air current into a large chamber pass directly out through two openings (21) and providing the direction of the air flow.

Therefore, it would have been obvious to one having skill in the art at the time the invention was made to modify Nolte invention and provide a casing including at least one volute opening out to a grid since that would had been desirable to provide direction to the air flow.

8. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nolte et al. U.S. Patent No. 5,283,490 in view of Engelbert U.S. Patent No. 6,144,137.

Nolte discloses the claimed invention except for a casing including non-machined axial splines against which a stator rests. However, Engelbert discloses a casing (80) including non-machined axial splines (100) in order to reduce the acoustic noise during operation of the motor assembly.

Therefore, it would have been obvious to one having skill in the art at the time the invention was made to modify Nolte invention and provide a casing including non-machined axial splines against which a stator rests since that would have been desirable reduce the acoustic noise during operation of the motor assembly.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yahveh Comas whose telephone number is (571) 272-2020. The examiner can normally be reached on 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on 571-272-2044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YC

